(50)

## HIGH COURT OF CHHATTISGARH AT BILASPUR

### Writ Petition (S) No.3313 of 2007

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| Petitioners | 1. | Smt. Elisaba Tirkey, aged about 52 years, wife of shri Lazarus, Assistant Teacher, Muktidata Primary School Larangi, Post Umko, District Surguja, Ambikapur (Chhattisgarh) |
| | 2. | Stephan Xezz, aged about 36 years, son of Late Gautiya Xess, Assistant Teacher, Muktidata Primary School Larangi, Post Umko, District Surguja, Ambikapur (Chhattisgarh) |

Versus

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| Respondents | 1. | State of Chhattisgarh, through Secretary, Tribal Welfare Department, Mantralaya, D.K.S. Bhawan, Raipur (Chhattisgarh) |
| | 2. | Commissioner, Tribal Welfare Department, District Ambikapur (Chhattisgarh) |
| | 3. | Catholic Sansthan Surguja, Uttar Purb Parikshetra, through Nirdeshak, Bishop's House, Ambikapur (Chhattisgarh) |

(Writ Petition under Article 226 of the Constitution of India)

**Single Bench: Hon'ble Justice Satish K. Agnihotri**

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Present : Shri Anupum Dubey, counsel for the petitioners.
Shri Anju Ahuja, Dy. Govt. Advocate for the State.

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**ORDER**
**(Passed on 25th June, 2007)**

Learned counsel appearing for the petitioners, who are Assistant Teachers working in the Muktidata Primary School, Larangi, Post Umko, Distrcit Surguja, submits that the petitioners school is fully aided school as is clear from the circular dated 20.09.2005 (Annexure P-3). The petitioners are entitled to the benefit of the recommendations of the Vth Pay Commission under the provisions of the Madhya Pradesh Ashaskiya Sikshan Sanstha (Adhyapakon Tatha Anya Karmchariyon

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Ke Vetano Ka Sandaya) Adhiniyam, 1978 (henceforth 'the Adhiniyam, 1978') and the rules made thereunder read with the Madhya Pradesh Revision of Pay Rules, 1998 (henceforth 'the Pay Rules, 1998').

2. Learned counsel appearing for the petitioners, further submits that the petitioners who are Assistant Teachers of the Government aided institutions, they are entitled to the benefit flowing from the judgment and order dated 06.02.2006 passed by this Court in W.P. No.2651 of 2006 **(B.D.Dwivedi & others Versus State of Chhattisgarh & others).**

3. In view of that this petition is disposed of in the same terms and conditions as per the order dated 06.02.2006 passed in W.P. No.2651 of 2006 **(B.D.Dwivedi & others Versus State of Chhattisgarh & others).** The respondents/Authorities are free to examine the facts with regard to the status of the school Muktidata Primary School, Larangi, Post Umko, Distrcit Surguja and that of the petitioners, in respect of the facts that the said school and the petitioners/teachers are government aided.

**Sd/-**
**Satish K. Agnihotri**
**Judge**

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